

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STANLEY E. MARTIN, JR.,

Plaintiff,

v.

BYRAN BARTOW, Director, Wisconsin Resource
Center (WRC), In his Individual and in his Official
Capacity,

Defendant.

ORDER

09-cv-584-bbc

Plaintiff Stanley Martin, Jr., a patient at the Wisconsin Resource Center, has filed a proposed complaint under 42 U.S.C. § 1983 alleging violations of his constitutional rights. In addition, he has submitted a motion to proceed in forma pauperis. Plaintiff has not submitted a copy of his resident account statement for the six-month period immediately preceding the filing of the complaint, but in another lawsuit in this court, Martin v. Bartow, 08-cv-518-bbc, plaintiff submitted a resident account statement covering the six-month period from January 1, 2009 to July 31, 2009. From the statement, I conclude that plaintiff has the means to prepay a portion of the filing fee in the amount of \$6.60. Plaintiff is reminded that paying the amount I have determined he is able to prepay is just the first step in obtaining leave to proceed in forma pauperis under 28 U.S.C. § 1915. After the court

receives plaintiff's payment, his complaint will be screened to determine whether the action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff seeks monetary relief against a defendant who is immune from such relief.

ORDER

IT IS ORDERED that plaintiff qualifies for pauper status on the condition that he prepay \$6.60 of the \$350 filing fee. He is to submit a check or money order made payable to the clerk of court in that amount on or before October 15, 2009. If by October 15, 2009, plaintiff fails to prepay the amount he has been ordered to pay, I will dismiss his case for failure to prosecute.

Entered this 28th day of September, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge